

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

HOWARD ELLIS,

Plaintiff,

vs.

JAMES BENEDETTI, et. al.,

Defendants.

3:08-cv-00657-MMD-WGC

ORDER

Before the court is Defendants' Motion to Compel Discovery. (Doc. # 237.)¹ Plaintiff opposed the motion. (Doc. # 241.) Defendants filed a reply. (Doc. # 248.) The court held a hearing on August 9, 2011, to address this along with other motions. (*See Minutes*, Doc. # 254 at 2-3.) The parties were permitted to file supplemental briefing with respect to the motion to compel. (*See Defs.' Supp.* at Doc. # 271 and *Pl.'s Response* at Doc. # 278.) The court held a status conference regarding the motion on October 8, 2013, and issues the instant order.

Defendants served Plaintiff with written discovery on May 30, 2013, including interrogatories by defendant Benedetti and Corda, requests for admissions by defendant Plumlee, and requests for production of documents by defendant Benedetti. (*See Doc. # 237* at 2:9-13, Exs. A-D at Doc. # 237-1.) Plaintiff did not respond to each of the discovery requests; instead, he

¹ Refers to court's docket number.

1 served a “consolidated objection” to all of the discovery. (Doc. # 237 at 2:15-18, Ex. E at Doc. #
2 237-2.) Defendants sent Plaintiff a letter in an effort to meet and confer regarding the
3 “consolidated objection” and offered Plaintiff a thirty-day extension of time to respond to the
4 discovery. (Doc. # 237 at 18-24, Ex. F at Doc. # 237-3.) Plaintiff did not respond, and
5 Defendants filed a motion to compel responses to discovery. (Doc. # 237.)
6

7 The discovery propounded is straightforward and for the most part asks Plaintiff to
8 provide the factual bases, including witnesses and documents, that support his allegations. (*See*
9 Doc. # 237-1.) In addition, the requests for admission ask Plaintiff to admit basic facts
10 concerning his allegations. (*Id.*) As indicated above, the court held a hearing, advising Plaintiff
11 that his blanket “consolidated objection” was inadequate. (*See Minutes at Doc. # 254.*) The court,
12 however, deferred ruling on the motion, and afforded Plaintiff additional time to supplement his
13 discovery responses, but first ordered the parties to engage in further meet and confer efforts to
14 resolve the dispute. (*Id.*)
15
16

17 Specifically, the court directed that a discovery conference take place no later than
18 August 21, 2013, and that Plaintiff respond to the discovery no later than September 23, 2013.
19 (*Id.*) Defendants were then given up to and including September 27, 2013, to file any supplement
20 to their motion to compel, if necessary. (*Id.*) Plaintiff was afforded an opportunity to file a
21 response on or before October 7, 2013. (*Id.*) The court set a further status conference for
22 October 9, 2013 to address the status of the motion to compel. (*Id.*) The status conference was
23 subsequently rescheduled for October 8, 2013. (*See Minute Order at Doc. # 255.*)
24

25 The parties filed their supplemental briefing (Docs. # 271, # 278) and the court held a
26 status conference on October 8, 2013 (*see minutes at Doc. # 280*). At the hearing, Plaintiff again
27 stated he was refusing to respond to Defendants’ discovery. (*Id.*)
28

1 The court will afford Plaintiff one last opportunity to serve responses to Defendants'
2 discovery. Therefore:

3 (1) Plaintiff shall serve Defendants with separate and complete responses to the
4 discovery propounded by Defendants on or before November 22, 2013;

5 (2) Defendants shall file a report regarding the status of Plaintiff's responses on or before
6 December 4, 2013;

7 (3) In the event Plaintiff fails to comply with this order, Plaintiff is cautioned that
8 the court will recommend dismissal under Federal Rule of Civil Procedure 37(b)(2)(A)(v)
9 for failing to obey an order to provide discovery.

10 **IT IS SO ORDERED.**

11 DATED: October 11, 2013

12
13
14
15 

16 **WILLIAM G. COBB**
17 **UNITED STATES MAGISTRATE JUDGE**
18
19
20
21
22
23
24
25
26
27
28